ORDINANCE NO. 2003-015

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SCHEDULE "A" OF CHAPTER 8.5, ARTICLE II, PALM BEACH COUNTY CODE (KNOWN AS THE "CODE ENFORCEMENT CITATION ORDINANCE OF PALM BEACH COUNTY, FLORIDA"), TO INCREASE CERTAIN FINE AMOUNTS AND UPDATE CERTAIN CODE REFERENCES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 633.025 and 125.01(1)(d), Florida Statutes, authorizes the County to enforce the Florida Fire Prevention Code and the County's Local Amendments thereto; and

WHEREAS, Section 162.21, Florida Statutes, authorizes local governments to establish a civil citation system for the enforcement of codes and ordinances; and

WHEREAS, Chapter 8.5, Article II, of the Palm Beach County Code (known as the "Code Enforcement Citation Ordinance of Palm Beach County, Florida") establishes a civil citation system for the enforcement of codes and ordinances and authorizes the assessment of civil penalties as specified in Schedule "A" thereof; and

WHEREAS, the Board of County Commissioners desires to amend said Schedule "A" to increase certain fine amounts and update certain code references, as set forth herein; and

WHEREAS, the Board of County Commissioners has determined that the revisions to Schedule "A" set forth herein will promote, protect and improve the health, safety and welfare of the citizens of Palm Beach County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Schedule "A" of Chapter 8.5, Article II, Palm Beach County Code, is hereby amended as follows:

Code Provision	***Description***	***Class***	***Fine Amount***
. . . .			
~~Section 3-1.7, PBC Fire Code (PBC Ord. 98-29)~~ Sec. 3-1.5, PBC Local Amendments to Fla. Fire	Overcrowding/exceeding allowed or posted capacity	IV	$250.00

Prevention Code (Sec. 12-57, PBC Code)					
~~Section 3-4.1.1, PBC Fire Code (PBC Ord. 98-29)~~ Sec. 3-4.1.1, PBC Local Amendments to Fla. Fire Prevention Code (Sec. 12-57, PBC Code)	Open burning without approved permit or authorization	~~III~~	IV	~~$125.00~~	$250.00
~~Section 1-15, NFPA 1, Fire Prevention Code, 1997 edition, as adopted by sec. 1-1, PBC Fire Code (PBC Ord. 98-29)~~ Sec. 1-16, NFPA 1 Fire Prevention Code, as adopted and modified by Fla. Fire Prevention Code (Ch. 4A-60, F.A.C.)	Operating or conducting a business without approved permit or authorization	III			$125.00
~~Section 4-1.6.1, NFPA 1, Fire Prevention Code, 1997 edition, as adopted by sec. 1-1, PBC Fire Code (PBC Ord. 98-29)~~ Sec. 4-1.7.1, NFPA 1 Fire Prevention Code, as adopted by Fla. Fire Prevention Code (Ch. 4A-60, F.A.C.)	Operating a business with a locked exit	IV			$250.00
~~Section 4-8.1, NFPA 1, Fire Prevention Code, 1997 edition, as adopted by sec. 1-1, PBC Fire Code (PBC Ord. 98-29)~~ Sec. 4-9.1, NFPA 1 Fire Prevention Code, as adopted by Fla. Fire Prevention Code (Ch. 4A-60, F.A.C.)	Operating a business with an obstructed exit	IV			$250.00
~~Section 7-1.1, NFPA 1, Fire Prevention Code, 1997 edition, as adopted by sec. 1-1, PBC Fire Code (PBC Ord. 98-29)~~ Sec. 7-3.3, NFPA 1 Fire	Failure to properly inspect, test and maintain automatic sprinkler system	III			$125.00

Prevention Code, as adopted by Fla. Fire Prevention Code (Ch. 4A-60, F.A.C.)					
~~Section 8-1.3, NFPA 1, Fire Prevention Code, 1997 edition, as adopted by sec. 1-1, PBC Fire Code (PBC Ord. 98-29)~~ Sec. 7-7.3.2, NFPA 1 Fire Prevention Code, as adopted by Fla. Fire Prevention Code (Ch. 4A-60, F.A.C.)	Failure to properly inspect, test and maintain fire alarm system(s)	~~III~~	IV	~~$125.00~~	$250.00
Chapter 12, Article III (Fireworks), Division 1, PBC Code ~~(PBC Ord. 98-21)~~	Illegal or unauthorized sale of fireworks, sparklers, or novelties	IV			$250.00

. . . .

Section 2. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 5. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 11 day of March, 2003.

DOROTHY H. WILKEN, CLERK
Board of County Commissioners
By Linda C. [illegible]
DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By: [illegible]
Karen Marcus, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [illegible]
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 14 day of March, 2003.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on March 11, 2003.
DATED at West Palm Beach, FL on 4/3/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.